

**REMARKS**

Claims 1-6, 8, 10 and 11, all the claims pending in the application, are rejected. Claim 1 is amended.

***Claim Rejections - 35 USC § 103***

**Claims 1-6, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Millikan (U.S. 2003/0105667) in view of Williams (U.S. 2002/0049631 A1).** This rejection is traversed for at least the following reasons.

**Amended Claim 1**

Applicants have amended claim 1 in order to emphasize the features of the Applicant's system which distinguish it from the disclosures of the cited Millikan and Williams references and also to adopt the Examiner's recommendation at page 3 of the Office Action, which require that hardware components have particular configurations.

**Single Customer-Specific Message Is Generated and Transmitted**

Amended claim 1 clarifies and emphasizes the features of the Applicant's system by which after a consumer is detected at a (store) location a single message containing offers specific to that detected consumer is assembled and delivered to that consumer. The offers, as supplied to that consumer, are also transmitted to an EPOS terminal at the same (store) location. Thus, when the consumer presents at the terminal one or more goods for purchase, the purchases are priced in accordance with the previously supplied offers specific to that consumer, significantly, without any responsive action by the consumer prior to presentation at the EPOS terminal other than the carriage of goods for purchase to the EPOS terminal.

**Three Key Functions are Involved**

Amended claim 1 can only be satisfied by a system specifically configured to perform three functions:

1. Individual consumers are detected by a detection device in proximity to a specific location where merchandise is available to the detected consumer i.e. when the consumer is located within a specific store.

2. An output device supplies a single message to the particular detected consumer when the consumer is in the store and before presentation at an EPOS terminal for purchase of goods.

3. A server transmits to the EPOS terminal the offers supplied to the consumer, while at the (store) location, so that the EPOS terminal is conditioned to price goods presented by the detected consumer in accordance with the offers.

Step 3 Depends on Steps 1 and 2

It is important to appreciate that the above described step 3 is conditional on the occurrence of steps 1 and 2. Accordingly, offers specific to the consumer need not be supplied to the EPOS terminal until the relevant consumer is detected as being present at the (store) location. This enables offers specific to individual consumers to be transmitted to both the consumer and the EPOS terminal without needing to be stored well in advance at the EPOS terminal.

Millikan

The Millikan reference, whether taken alone or with Williams, does not suggest a system capable of performing the above three functions. Specifically, Millikan does not disclose a system which enables transmission of a single message comprising offers targeted to a consumer detected to be within a store. Moreover, Millikan does not disclose any means for conditioning an EPOS terminal to price purchases in accordance with specifically targeted offers to a detected consumer.

Cited Disclosure Does Not Teach Detected-Customer-Specific Delivery

At paragraph 7 of the Office Action the Examiner refers to paragraphs 28 and 29 of Millikan and notes that Millikan discloses that “the message targeting system may perform its operation as described herein with respect to an individual consumer”. However, the Millikan system involves delivering messages by video or audio presentation to consumers at various locations throughout a store and for privacy reasons Millikan wishes to present information appropriate to the majority of customers within the store at any particular time. There is no disclosure of the technical feature of a processor to supply an offers signal indicative of offers specific to an individual detected consumer and an output device for supplying a single message to the individual detected consumer containing those specific offers. Millikan also makes no

disclosure suggesting the transmission of offers supplied to a specific detected consumer to an EPOS terminal after the consumer has been detected to be at a purchasing or store location and this feature is not suggested by Williams.

Cited Disclosure Does Not Teach Automatic Terminal -Conditioned Pricing

At paragraph 7 of the Office Action the Examiner refers to paragraphs 33 and 49 and Figure 1 of Millikan. However, this disclosure concerns the Williams embodiment in which the customer identifies himself or herself at the EPOS terminal through a card reader. There is no disclosure of a system in which an EPOS terminal is conditioned for pricing in accordance with offers specific to an individual consumer by detection of the individual consumer prior to presentation at the EPOS terminal.

Williams

The Williams reference does not disclose transmission of a single offer message to a consumer detected to be within a specific (store) location and only then transmitting that message to an EPOS terminal at that (store) location.

Williams does envisage transmitting incentives to customers prior to their presentation at the point of sale but only by requiring the customer to present identification at an automated kiosk or by post, email communication or by telephone response to TV advertisements, which requires relevant information to be transmitted and stored well in advance of the customer presenting at a store: see paragraphs [0021-0024], and [0035].

This is to be contrasted with the applicant's system which requires conditioning of an EPOS terminal only at the location where a customer has been detected and only when specifically targeted offers are transmitted to the customer after detection.

In short, the combination of Millikan and Williams do not teach the fundamental principles of the invention as now claimed.

Claims 2-6, 8 and 11

These claims would be patentable for reasons given for parent claim 1, due to their dependency from the amended claim.

**Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Millikan (U.S. 2003/0105667) in view of Williams (U.S. 2002/0049631 A1) and in view of Eggleston et al. (U.S. 6,061,660).** This rejection is traversed for at least the following reasons.

**Claim 10**

First, this claim would be patentable over Millikan and Williams for the reasons already given for parent claim 1.

Second, the Examiner admits that Millikan does not specifically disclose the following limitation but asserts that it is taught by Eggleston:

- “comprising an inventory system in communication with each of said first processor and said second processor, and operative to provide price and inventory for processing by said first and second processors.”

Eggleston is relied upon solely for the foregoing limitation and does not remedy the deficiencies of Millikan in view of Williams. Thus, this claim would be patentable over the combination of references as presented by the Examiner.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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